Appln. No. 09/653,517
reply to Office Action of September 6, 2007

PATENT
Customer No. 22,852
Attorney Docket No. 7451.0029-00
Intertrust Ref. No. IT-28.1

REMARKS

This reply and amendment are in response to the Office Action dated September 6, 2007. In the Office Action, the Examiner: (i) rejected claims 1-3, 5, 7-9 and 14-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,088,801 to Grecsek ("Grecsek"); (ii) rejected claims 4, 6 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of U.S. Patent No. 6,064,739 to Davis ("Davis"); (iii) rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of Davis and further in view of U.S. Patent No. 6,236,727 to Ciacelli ("Ciacelli"); and (iv) rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of European Patent No. EP0915620 to Shimada ("Shimada").

Applicants respectfully disagree with the Examiner's assertions. However, to expedite prosecution of this application, Applicants have amended independent claim 1 to further clarify the claimed subject matter. Applicants have also amended claims 2-8 and 10-13. After entry of this paper, claims 1-20 are pending in this application.

Applicants and the undersigned thank the Examiner for granting a telephone interview on December 4, 2007, and for the courtesies extended during the interview. Based on the discussion with respect to Grecsek in the interview, Applicants submit the following remarks.

Rejection of Claims 1-3, 5, 7-9, and 14-20 under 35 U.S.C. § 102(e)

Claims 1-3, 5, 7-9, and 14-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Grecsek.

Grecsek discloses a method for managing the risk of executing a software process on a computer. Grecsek is concerned with protecting the user's system from attacks by a process that will execute on the system. In order to manage the risk of executing a software process, the system disclosed in Grecsek evaluates the capabilities of the process against a capability-based policy. *See* Grecsek, col. 3, line

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24 to col. 4, line 20. The capability-based policy includes a list of capabilities that may be allowed to be possessed by a process that is to be executed on the system. *Id.* If the capabilities possessed by the process are all present in the capability-based policy, the process may be permitted to execute on the system. *See* Grecsek, col. 4, lines 7-19.

Claim 1 in the application recites "processing at least a portion of said piece of electronic media content using at least one of the one or more software modules," and "evaluating whether the at least one of the one or more software modules process the portion of the electronic media content in an authorized manner." In Grecsek, the evaluation determines whether the process (110) is allowed to execute on the computer system. Before the evaluation, the process (110) should not be allowed to process protected resource. In contrast, the amended claim 1 requires processing a portion of the electronic media content, and evaluating whether the processing is in an authorized manner. Applicants respectfully submit that at least the "processing" and "evaluating" steps discussed above are not disclosed in Grecsek.

Independent claim 5 is directed to a method for protecting electronic media content from unauthorized use. Claim 5 recites "generating a first identifier associated with the piece of electronic media content; and monitoring at least one system interface for electronic data to be transferred to an output device." Grecsek evaluates the process 110 to determine whether it can use the resources in the computer system. Grecsek uses a capability assessor 115 to evaluate the process 110 for certain tokens, such as keywords or byte codes, for example, "PRINT" or "FILE." See col. 3, l. 64-col. 4, l.6. The Examiner seems to equate the tokens to the first identifier in claim 5. However, the tokens are generated from the process 110 (which is used to process resources). Claim 5 requires generating the first identifier associated with <u>the piece of electronic media content</u> (e.g., a kind of resources), but <u>not associated with the software modules</u> for processing the electronic media content.

Claim 5 further requires monitoring at least one system interface for electronic data to be transferred to the output device. Grecsek evaluates the process 110 to

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determine whether it has certain capabilities, such as "PRINT." Evaluating the process 110 to check its capabilities is different from monitoring a system interface for electronic data <u>to be transferred to an output device</u> because the process 110 is not "electronic data <u>to be transferred to an output device</u>."

Moreover, claim 5 further requires "receiving <u>at least a portion of the electronic data</u> to be transferred to the output device; generating <u>a second identifier</u> associated with the portion of the electronic data; and comparing the second identifier with the first identifier." Applicants respectfully submit that Grecsek does not teach or suggest these steps. For at least the reasons discussed above, Applicants respectfully submit that claim 5 is not anticipated by Grecsek.

Claims 2-3, 7-9, and 14-20 are ultimately dependent from claims 1 or 5, respectively, and are thus allowable for at least the reasons set forth above in connection with claims 1 and 5. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 1-3, 5, 7-9, and 14-20 and allow these claims.

Rejection of Claims 4, 6, and 10 under 35 U.S.C. § 103(a)

Claims 4, 6, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of Davis. These rejections are respectfully traversed in view of the following remarks.

Claim 4 is directed to a system for protecting electronic media content and enabling use of the electronic media content by a user. As discussed above with respect to claim 5, Grecsek evaluates the process 110 to determine whether it can use any resources in the computer system. Grecsek uses a capability assessor 115 to evaluate the process 110 for certain tokens, such as keywords or byte codes, for example, "PRINT" or "FILE." See col. 3, l. 64-col. 4, l.6. The tokens may be within the process 110. Claim 4 requires generating an identifier associated with <u>the electronic media content</u>, but not associated with the software modules for processing

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the electronic media content. Secondly, claim 4 requires "means for monitoring a predefined system interface for data to be transferred to an output device to determine if the data to be transferred to an output device contains the identifier." Grecsek evaluates the process 110 to determine whether it has certain capabilities, such as "PRINT." Evaluating the process 110 to check its capabilities is different from monitoring a system interface for data to be transferred to an output device because the process 110 is not the "data to be transferred to an output device." Davis is directed to a method of copying protection of distributed video content. Davis also fails to teach "means for generating an identifier associated with the electronic media content" or "means for monitoring a predefined system interface for data to be transferred to an output device to determine if the data to be transferred to an output device contains the identifier." For at least the reasons set forth above, claim 4 should not be considered obvious over Grecsek in view of Davis.

Claims 6 and 10 are dependent on claim 5, and thus are allowable for at least the reasons set forth above in connection with claim 5. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 4, 6, and 10 and allow these claims.

Rejection of Claim 11 under 35 U.S.C. § 103(a)

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Grecsek in view of Davis and further in view of Ciacelli.

Claim 11 is ultimately dependent from claim 5. Ciacelli, which was cited for its alleged teaching of "scrambling at least a portion of the piece of electronic data," fails to cure the deficiencies of Grecsek and Davis as discussed above in connection with claim 5. Applicants respectfully submit that claim 11 is allowable for at least the reasons set forth above in connection with claim 5. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claim 11 and allow this claim.

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Rejection of Claims 12 and 13 under 35 U.S.C. § 103(a)

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grecsek and in view of Shimada.

Claims 12 and 13 are dependent from claim 5. Shimada, which was cited for its alleged teaching of "the predefined defensive action comprises adding noise/electronic watermark to at least a portion of the piece of electronic data," fails to cure the deficiency of Grecsek and Davis as discussed above in connection with claim 5. Applicants respectfully submit that claims 12 and 13 are allowable for at least the reasons set forth above in connection with claim 5. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 12 and 13 and allow these claims.
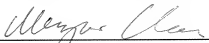
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CONCLUSION

In view of the foregoing remarks, Applicants submit that the pending claims are in allowable form, and respectfully request reconsideration of the rejections and timely allowance of the claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,
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Dated: January 7, 2008

By: _____
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